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Serial No. 09/761,573

Atty. Docket No. 13DV13120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
David Michael Bains : Group Art Unit: 3682
Serial No. 09/761,573 : Examiner: Chong Hwa Klm
Filed: January 18, 2001 : Response to Paper No. 9
For METHOD AND SYSTEM FOR
PERFORMING GEARBOX FINAL
ASSEMBLY CLEAN CHECK

ATTENTION: Office of Petitions

PETITION UNDER 37 CFR § 1.181(a) REQUESTING
WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202

RECEIVED

SEP 30 2003

GROUP 3600

Dear Sir:

This petition under 37 CFR § 1.181(a) requesting withdrawal of a holding of abandonment in the above-identified application is being submitted in response to the Notice of Abandonment dated September 8, 2003. Applicant hereby petitions for the withdrawal of the holding of abandonment on the basis that there was no abandonment in fact.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8 (a))

I hereby certify that this correspondence is, on the date shown below, being:

☒ deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202

☐ transmitted by facsimile to the
Patent and Trademark Office

Michelle S. Holmes
Signature
Michelle S. Holmes

Date: 9/17/2003

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The Notice of Abandonment dated September 8, 2003 indicates that the reason for the holding of abandonment was applicant's failure to timely file a proper reply to the Office letter mailed on January 30, 2003. However, applicant respectfully submits that a proper reply was in fact timely submitted to the United States Patent and Trademark Office (USPTO) within three months of the January 30, 2003 mailing date of the Office Action. Specifically, applicant submitted a Reply under 37 CFR 1.111 by facsimile transmission on April 30, 2003. This paper included a Certificate of Transmission certifying that the correspondence was facsimile transmitted to the U. S. Patent and Trademark Office on April 30, 2003.

In accordance with 37 CFR 1.8(b), applicant supplies herewith an additional copy of the Reply bearing the April 30, 2003 Certificate of Transmission. Applicant also includes a copy of the transmission status report that was produced by the facsimile machine used to transmit the April 30, 2003 correspondence. This transmission status report shows that ten pages were transmitted at 11:22 p.m. on April 30, 2003.

In view of the foregoing, applicant respectfully submits that a reply to the Office Action dated January 30, 2003 was timely filed and that the subject application was never abandoned in fact. Accordingly, reconsideration and withdrawal of the Notice of Abandonment dated September 8, 2003 is respectfully requested.

Per MPEP § 711.03(c), a petition under 37 CFR § 1.181(a) requesting withdrawal of a holding of abandonment does not require a fee.

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In the event that the Examiner wishes to discuss any aspect of this petition, please contact the undersigned.

Respectfully submitted,

9/17/03

Date

Patrick R. Scanlon

Patrick R. Scanlon
Reg. No. 34,500
207-791-1276